

PM

# United States District Court

SOUTHERN

DISTRICT OF

FILED  
CALIFORNIA

2008 MAR -6 PM 2:49

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

ALL MONIES contained in account numbers  
11823-07920 and 11829-41597 in the name of Devin  
Jan BOYD held at Bank of America, with a mailing  
address of 8949 Clairmont Mesa Boulevard, San  
Diego, California.

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

## APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANT

CASE NUMBER: '08 MJ 0720

I, Cary H. Dressler being duly sworn depose and say  
I am a(n) DEA Task Force Officer and have reason to believe  
Official title

that in the SOUTHERN District of CALIFORNIA

there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

ALL MONIES contained in account numbers 11823-07920 and 11829-41597 in the name of Devin  
Jan BOYD held at Bank of America, with a mailing address of 8949 Clairmont Mesa  
Boulevard, San Diego, California.

which is (state one or more bases for seizure under the United States Code)

subject to seizure as it was derived from the proceeds of narcotics violations,

concerning a violation of Title 21 United States Code, Section (s) 841, 846, and 881(a)(6)

The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

SEE ATTACHED AFFIDAVIT, WHICH IS HEREBY INCORPORATED BY REFERENCE AND MADE A PART  
HEREOF.

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Signature of Affiant

Sworn to before me, and subscribed in my presence

Date

3/6/08

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

Name and Title of Judicial Officer

at San Diego, California  
City and State

Signature of Judicial Officer

om

1 **AFFIDAVIT**2 **UNITED STATES DISTRICT COURT )**3 **SOUTHERN DISTRICT OF CALIFORNIA )**4  
5 **A. EXPERIENCE AND TRAINING**6 **I, Cary H. Dressler, being first duly sworn, do here by say and depose:**

7       1.       I am a Deputy Sheriff with the San Diego County Sheriff's Department and have been  
8 for over twenty nine years. I have been a narcotic investigator for over twenty one years. For the  
9 past eighteen years, I have been assigned as a Task Force Officer (TFO) to the Drug Enforcement  
10 Administration Narcotic Task Force. Prior to being assigned to the Narcotic Task Force (hereafter  
11 NTF), I was assigned for five years to the San Diego Sheriff's Street Narcotic/Gang Detail. While  
12 assigned to the Sheriff's Street Narcotic/Gang Detail and Narcotic Task Force, I have participated in  
13 all types of narcotic investigations ranging from "street level" dealers to major dealers who deal in  
14 pound quantities of controlled substances and who derive substantial wealth from their narcotic  
15 dealings. From my experience, drug traffickers amass large proceeds from drug trafficking and  
16 attempt to legitimize drug proceeds by investing in legitimate businesses. Additionally, drug  
17 traffickers attempt to filter illegal profits through banking systems in a manner designed to disguise  
18 the original source of their illegal profits.

19       2.       Based on my training and experience, I know that: drug traffickers often place assets  
20 in names other than their own to avoid detection of these assets by law enforcement; narcotic  
21 traffickers utilize these assets and exercise control over them; narcotic traffickers must maintain on  
22 hand or in bank accounts large amounts of United States currency in order to sustain and finance  
23 their ongoing narcotics transactions; drug traffickers amass profits from the sale of narcotics and  
24 that the traffickers attempt to legitimize these profits. To accomplish these narcotic transactions,  
25 traffickers will utilize foreign and domestic banking institutions as well as their attendant services,  
26 securities, cashier's checks, money drafts, letters of credit, brokerage houses, real estate, shell  
27 corporations, business fronts, safe deposit boxes, and checking/savings accounts.

1           3.       I have conducted numerous financial investigations into the laundering of proceeds of  
2 illicit activities, primarily the proceeds from narcotics trafficking and the facilitation of drug  
3 trafficking, pursuant to Title 21 USC, Section 881. I have received over of 200 hours of formal  
4 training in financial investigations. This training included the legality and methodology of seizing  
5 assets as they related to the proceeds and facilitation of illegal drug trafficking, and illegal money  
6 laundering.

7           4.       I make this affidavit based upon my participation in the investigation and upon  
8 information and belief. The sources of my information and belief are oral and written reports, which  
9 I have reviewed, about this and other investigations from Drug Enforcement Agents and/or other law  
10 enforcement officers; physical surveillance conducted by Drug Enforcement Agents and/or other law  
11 enforcement officers, reported to me either directly or indirectly; and independent investigation by  
12 Drug Enforcement Agents and/or other law enforcement agents. Because this affidavit is submitted  
13 for the limited purpose of the forfeiture case against the Defendant property specified, I have not set  
14 forth each and every known fact of this investigation.

15 **B.       DESCRIPTION OF PROPERTY TO BE SEIZED:**

16           5.       All monies contained in account numbers 11823-07920 and 11829-41597 in the name  
17 of Devin Jan BOYD held at Bank of America, with a mailing address of 8949 Clairemont Mesa  
18 Boulevard, San Diego, California.

19 **C.       BASIS FOR SEIZURE:**

20           6.       The purpose of this investigation is to establish that the above described accounts  
21 located within Bank of America, contain proceeds derived from the marijuana cultivation and  
22 trafficking activities of Devin Jan BOYD pursuant to Title 21, United States Code, Section 881(a)(6).

23           7.       This Court has jurisdiction over the subject bank accounts pursuant to 28 USC  
24 Section 1345 and 1355. Venue is appropriate pursuant to 28 USC Section 1395 and authority to issue  
25 the warrants is appropriate pursuant to Rule 41 of the Federal Rules of Criminal Procedure, 21 USC  
26 881(b) and 18 USC Section 1355 addresses subject matter jurisdiction and in rem jurisdiction and  
27 provides in pertinent part:

1           1.       The district courts shall have original jurisdiction, exclusive of the courts of  
2 the States, of any action or proceeding for the recovery or enforcement of ...any forfeiture, pecuniary  
3 or otherwise, incurred under any Act of Congress...

4 (b)(1)A forfeiture action or proceeding may be brought in -

5                   (A)       The district court for the district in which any of the acts or omissions  
6 giving rise to the forfeiture occurred...

7 **D.     STATEMENT OF PROBABLE CAUSE**

8           8.       During the month of March 2007, detectives of the San Diego County Sheriff's  
9 Department assigned to the Street Narcotic and Gang Detail and the Regional     Auto Theft Task  
10 Force received information that an illegal marijuana cultivation operation was occurring at 474  
11 Arroyo Drive, Encinitas, California. The occupants of the residence were identified as Brian and  
12 Devin BOYD. Detectives also received information that the BOYD'S were also stealing vehicles and  
13 trailers. On May 14, 2007, detectives obtained a telephonic state search warrant for the residence on  
14 Arroyo Drive.

15           9.       On May 15, 2007 members of the Sheriff's Special Enforcement Detail executed the  
16 search warrant. Upon securing the residence SWAT deputies detained Brian and Devin BOYD, who  
17 were inside the residence. Deputies located an indoor marijuana cultivation operation inside the  
18 residence. Because the first state search warrant was for stolen property, detectives obtained a  
19 second state search warrant for marijuana.

20           10.       Detectives located a fully operational marijuana hydroponics growing operation in  
21 the large master bedroom closet and bathroom. Detectives seized 50 marijuana plants from the closet  
22 and 15 small marijuana plants from the bathroom.

23           11.       In the master bedroom, detectives also located 14 various seized glass mason jars  
24 containing bulk marijuana, 11 plastic bags of bulk marijuana buds and/or shake, "pay & owe"  
25 sheets, and a electronic scale. Under the bed, detectives located six baggies with marijuana shake and  
26 two bags with marijuana leaves and stems. There were two string lines running across the bedroom  
27 which a commonly used to hang marijuana buds for drying.

1           12.     Detectives located a large wooden marijuana drying stand in the master bedroom.  
2 Also located on the wooden stand were four "Medicann" marijuana physician statements with the  
3 names Brian Boyd, Devin BOYD, and their parents Rene Boyd and Roberta Boyd.

4           13.     In the bedroom belonging to Devin BOYD, detectives located a loaded Mossberg 12  
5 gauge shotgun, a marijuana smoking pipe, and \$10,122.00 in cash.

6           14.     In the bedroom belonging to Brian Boyd, detectives located a loaded 9mm handgun,  
7 a loaded 22 caliber pistol, and \$23,722.00 in cash. . The above currency was seized pursuant to Title  
8 21 USC 881(a)(6).

9           15.     In the downstairs office, detectives located a loaded Mossberg 20 gauge shotgun and  
10 in the laundry room another loaded Mossberg 12 gauge shotgun. On the kitchen counter, detectives  
11 located shotgun shells, night vision goggles, a police cap, stun gun, and police baton. Detectives  
12 located five surveillance cameras throughout the bottom floor of the residence. The receiver for the  
13 cameras was located near the television, which was being used as the monitor. Detectives located and  
14 seized several stolen vehicles, and stolen property at the residence.

15           16.     Detectives also located several Bank of America bank statements for Devin BOYD.  
16 The bank statements listed accounts numbers 11829-41597, and 11826-00601.

17 **D.     ARREST OF BRIAN AND DEVIN BOYD**

18           17.     Both Brian and Devin BOYD were arrested and booked for the state charges of  
19 possession of marijuana for sale, cultivation of marijuana, possession of firearms during commission  
20 of a felony, operating a "chop shop," vehicle theft, and possession of stolen property. Brian and  
21 Devin BOYD are currently scheduled for jury trial for the above charges on April 15, 2008.

22 **E.     FINANCIAL INVESTIGATION OF DEVIN BOYD**

23           18.     On May 16, 2007, an Affidavit of Adverse Claim was executed at Bank of America,  
24 freezing for three business days, all bank accounts in the name of Devin BOYD.

25           19.     On May 18, 2007, a United States Department of Justice/Drug Enforcement  
26 Subpoena (07-0177) was executed at Bank of America for all account numbers in the name of Devin  
27 BOYD date of birth 08/17/1986, Social Security number 628-14-4943. A Bank of America

1 representative told me that Devin BOYD currently had two active accounts including account  
 2 number 11823-07920 and 11829-41597, located at 8949 Clairemont Mesa Boulevard, San Diego,  
 3 California. The bank representative indicated that account number 11826-00601 was closed.

4 20. On May 18, 2007, based on the above information, I requested and obtained state  
 5 search warrant number 34582, sign by the honorable Charles R. Gill, Judge of the San Diego County  
 6 Superior Court. The search warrant authorized the search and freezing of all bank accounts for  
 7 Devin BOYD, including account numbers 11823-07920 and 11829-41597 located within Bank of  
 8 America, 8949 Clairemont Mesa Boulevard, San Diego, California.

9 21. A review of bank account 11829-41597 revealed that the account is a regular savings  
 10 account. The account was opened by Devin BOYD on approximately 06/12/2006 with a cash deposit  
 11 of \$10,000.00. From 06/12/06 through 04/09/07 BOYD made fourteen deposits. All the deposits were  
 12 cash deposits totaling \$72,500.00 on the following dates:

13	June 12, 2006 .....	\$10,000.00
14	June, 16, 2006 .....	\$2,000.00
15	July 19, 2006 .....	\$3,000.00
16	August 01, 2006 .....	\$1,000.00
17	August 15, 2006 .....	\$100.00
18	August 28, 2006 .....	\$3,600.00
19	September 05, 2006 .....	\$1,800.00
20	November 27, 2006 .....	\$10,000.00
21	November 28, 2006 .....	\$10,000.00
22	November 29, 2006 .....	\$4,000.00
23	February 08, 2007 .....	\$6,000.00
24	March 14, 2007 .....	\$5,000.00
25	March 27, 2007 .....	\$6,000.00
26	April 09, 2007 .....	\$10,000.00

27 ///

1       22.     In February 14, 2007, Devin BOYD opened a certificate of deposit (CD) at Bank of  
2 America account number 11823-07920. To accomplish this, BOYD withdrew \$18,000.00 from his  
3 Bank of America account number 11829-41597. The remaining balance of BOYD'S savings account  
4 (11829-41597) is approximately \$1,477.57.

5       23.     On May 18, 2007, a United States Department of Justice/Drug Enforcement  
6 Subpoena (07-0178) was executed on the State of California, Employment Development Department  
7 (EDD) for any employment and wage information for Devin BOYD (Social Security number 628-14-  
8 4943) from the last quarter of 2005 to the present. According to EDD representatives, no employment  
9 history or wage information could be located for BOYD.

10       24.     On February 20, 2008, I contacted the Subpoena Processing division of Bank of  
11 American to determine the status of the above accounts. A bank representative advised me that  
12 account 11829-41597 and 11823-07920 for Devin BOYD are still frozen pursuant to the state search  
13 warrant.

14     E.     CONCLUSION:

15       25.     Based on the above investigation, Devin BOYD cultivates marijuana and is a  
16 trafficker of marijuana.

17       26.     This investigation revealed that Devin BOYD had immediate access to large sums of  
18 U.S. Currency to support his trafficking activities. Officers located and seized \$33,844.00 from  
19 BOYD'S bedroom and the residence.

20       27.     According to the Employment Development Department, Devin BOYD has no  
21 reported income or employment history in California.

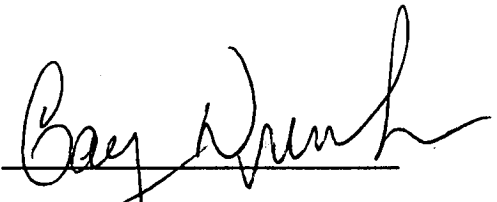
22       28.     I believe the information in this affidavit shows that accounts 11829-41597 and 11823-  
23 07920 located within Bank of America contain proceeds (either directly or indirectly) from the  
24 marijuana cultivation and marijuana trafficking activities of Devin BOYD.

25       29.     I believe there is probable cause for the issuance of a warrant of seizure for accounts  
26 11829-41597 and 11823-07920 located within Bank of America.

27       ///

1           30.     I pray that Bank of America be ordered to issue a check payable to the U.S. Marshals  
2 Service for the contents of the accounts.

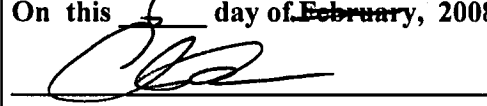
3           31.     Further, I believe there is probable cause to warrant the forfeiture of the accounts  
4 11823-07920 and 11829-41597 in the name of Devin Jan BOYD held at Bank of America, with a  
5 mailing address of 8949 Clairemont Mesa Boulevard, San Diego, California, pursuant to Rule 41,  
6 Federal Rules of Criminal Procedure, Title 21, United States Code, Sections 841, 846 and 881(a)(6),  
7 881(b) and 18 USC 981(b),  
8

9  
10 

11 Cary Dressler, TFO

12 San Diego Narcotic Task Force  
13  
14  
15

16 Subscribed and sworn to before me

17 On this 11 day of March, 2008.  
18 

19 United States Magistrate Judge  
20  
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22  
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